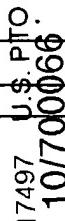


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<b>UTILITY</b> <b>PATENT APPLICATION</b> <b>TRANSMITTAL</b> <i>(Only for new nonprovisional applications under 37 CFR 1.53(b))</i>	<b>Attorney Docket No.</b> END9-2002-0013US1 <b>Total Pages</b> 40  <i>First Named Inventor or Application Identifier</i>  David A. Burton et al.  <b>Express Mail Label No.</b> ER211528023US
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APPLICATION ELEMENTS <i>See MPEP chapter 600 concerning utility patent application contents.</i>		Commissioner for Patents ADDRESS TO: Mail Stop Patent Application P.O. Box 1450 Alexandria, VA 22313-1450
1. <input checked="" type="checkbox"/> Fee Transmittal Form <i>(Submit an original, and a duplicate for fee processing)</i>	6. <input type="checkbox"/> Microfiche Computer Program ( <i>Appendix</i> )	
2. <input checked="" type="checkbox"/> Specification <i>(Total Pages) 31</i> <i>(Preferred arrangement set forth below)</i>	7. <input type="checkbox"/> Nucleotide and/or Amino Acid Sequence Submission <i>(if applicable, all necessary)</i> <ul style="list-style-type: none"> <li>a. <input type="checkbox"/> Computer Readable Copy</li> <li>b. <input type="checkbox"/> Paper Copy <i>(identical to computer copy)</i></li> <li>c. <input type="checkbox"/> Statement verifying identify of above copies</li> </ul>	
<ul style="list-style-type: none"> <li>- Descriptive title of the Invention</li> <li>- Cross References to Related Application</li> <li>- Statement Regarding Fed sponsored R &amp; D</li> <li>- Reference to Microfiche Appendix</li> <li>- Background of the Invention</li> <li>- Brief Summary of the Invention</li> <li>- Brief Description of the Drawings <i>(if filed)</i></li> <li>- Detailed Description</li> <li>- Claim(s)</li> <li>- Abstract of the Disclosure</li> </ul>		
3. <input checked="" type="checkbox"/> Drawing(s) <i>(35 USC 113)</i> <i>(Total Pages) 6</i>	ACCOMPANYING APPLICATION PARTS	
4. Oath or Declaration <i>(Total Pages) 3</i>	8. <input checked="" type="checkbox"/> Assignment Papers <i>(cover sheet &amp; document(s))</i>	
a. <input checked="" type="checkbox"/> Newly executed <i>(original or copy)</i>	9. <input type="checkbox"/> 37 CFR 3.73(b) Statement <i>(when there is an assignee)</i> <input checked="" type="checkbox"/> Power of Attorney	
b. <input type="checkbox"/> Copy from a prior application <i>(37 CFR 1.63(d))</i> <i>(for continuation/divisional with Box 17 completed)</i> <i>(Note Box 5 below)</i>	10. <input type="checkbox"/> English Translation Document <i>(if applicable)</i>	
i. <input type="checkbox"/> DELETION OF INVENTOR(S)  Signed statement attached deleting inventor(s) named in prior application, see 37 CFR 1.63(d)(2) and 1.33(b).	11. <input checked="" type="checkbox"/> Information Disclosure Statement (IDS)/PTO-1449 <input checked="" type="checkbox"/> Copies of IDS Citations	
5. <input type="checkbox"/> Incorporation by Reference <i>(useable if Box 4b is checked)</i>  The entire disclosure of the prior application, from which a copy of the oath or declaration is supplied under Box 4b is considered as being part of the disclosure of the accompanying application and is hereby incorporated by reference therein.	12. <input type="checkbox"/> Preliminary Amendment	
	13. <input checked="" type="checkbox"/> Return Receipt Postcard (MPEP 503) <i>(Should be specifically itemized)</i>	
	14. <input type="checkbox"/> Small Entity <input type="checkbox"/> Statement filed in prior application, Statement(s) <input type="checkbox"/> Status still proper and desired	
	15. <input type="checkbox"/> Certified Copy of Priority Document(s) <i>(if foreign priority is claimed)</i>	
	16. <input checked="" type="checkbox"/> Other: Express Mail Certificate	
	.....	

17. If a **CONTINUING APPLICATION**, check appropriate box and supply the requisite information:

Continuation     Divisional     Continuation-in-part (CIP)    of prior application No.:

## 18. CORRESPONDENCE ADDRESS

Customer Number or Bar Code Label 36491  
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	Suite 450					
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COUNTRY	United States	TELEPHONE	(801) 994-4646		FAX	(801) 531-1929

**Assignee Name:** INTERNATIONAL BUSINESS MACHINES CORPORATION

**Assignee Residence:** Armonk, New York

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**FEE TRANSMITTAL**

Note: Effective October 1, 2001.  
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<b>TOTAL AMOUNT OF PAYMENT</b>	<b>\$ 1248</b>	<b>Attorney Docket Number</b>	END9-2002-0013US1
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<b>METHOD OF PAYMENT (check one)</b>		<b>FEE CALCULATION (continued)</b>																																																																																																																																																																																																																									
1. <input checked="" type="checkbox"/> The Commissioner is hereby authorized to charge indicated fees and credit any over payments to:		<b>3. ADDITIONAL FEES</b> <table border="1"> <thead> <tr> <th colspan="2">Large Entity</th> <th colspan="2">Small Entity</th> <th rowspan="2">Fee Description</th> <th rowspan="2">Fee Paid</th> </tr> <tr> <th>Fee Code</th> <th>Fee (\$)</th> <th>Fee Code</th> <th>Fee (\$)</th> </tr> </thead> <tbody> <tr> <td>1051</td> <td>130</td> <td>2051</td> <td>65</td> <td>Surcharge - late filing fee or oath</td> <td></td> </tr> <tr> <td>1052</td> <td>50</td> <td>2052</td> <td>25</td> <td>Surcharge - late provisional filing fee or cover sheet</td> <td></td> </tr> <tr> <td>1053</td> <td>130</td> <td>2053</td> <td>130</td> <td>Non-English specification</td> <td></td> </tr> <tr> <td>1812</td> <td>2520</td> <td>1812</td> <td>2520</td> <td>For filing a request for reexamination</td> <td></td> </tr> <tr> <td>1804</td> <td>920*</td> <td>1804</td> <td>920*</td> <td>Requesting publication of SIR prior to Examiner action</td> <td></td> </tr> <tr> <td>1805</td> <td>1840*</td> <td>1805</td> <td>1840*</td> <td>Requesting publication of SIR after Examiner action</td> <td></td> </tr> <tr> <td>1251</td> <td>110</td> <td>2251</td> <td>55</td> <td>Extension for reply within first month</td> <td></td> </tr> <tr> <td>1252</td> <td>420</td> <td>2252</td> <td>210</td> <td>Extension for reply within second month</td> <td></td> </tr> <tr> <td>1253</td> <td>950</td> <td>2253</td> <td>475</td> <td>Extension for reply within third month</td> <td></td> </tr> <tr> <td>1254</td> <td>1480</td> <td>2254</td> <td>740</td> <td>Extension for reply within fourth month</td> <td></td> </tr> <tr> <td>1255</td> <td>2010</td> <td>2255</td> <td>1005</td> <td>Extension for reply within fifth month</td> <td></td> </tr> <tr> <td>1401</td> <td>330</td> <td>2401</td> <td>165</td> <td>Notice of Appeal</td> <td></td> </tr> <tr> <td>1402</td> <td>330</td> <td>2402</td> <td>165</td> <td>Filing a brief in support of an appeal</td> <td></td> </tr> <tr> <td>1403</td> <td>290</td> <td>2403</td> <td>145</td> <td>Request for oral hearing</td> <td></td> </tr> <tr> <td>1451</td> <td>1510</td> <td>1451</td> <td>1510</td> <td>Petition to institute a public use proceeding</td> <td></td> </tr> <tr> <td>1452</td> <td>110</td> <td>2452</td> <td>55</td> <td>Petition to revive - intentional</td> <td></td> </tr> <tr> <td>1453</td> <td>1330</td> <td>2453</td> <td>665</td> <td>Petition to revive - unintentional</td> <td></td> </tr> <tr> <td>1501</td> <td>1330</td> <td>2501</td> <td>665</td> <td>Utility issue fee</td> <td></td> </tr> <tr> <td>1502</td> <td>480</td> <td>2502</td> <td>240</td> <td>Design issue fee</td> <td></td> </tr> <tr> <td>1503</td> <td>640</td> <td>2503</td> <td>320</td> <td>Plant issue fee</td> <td></td> </tr> <tr> <td>1460</td> <td>130</td> <td>1460</td> <td>130</td> <td>Petitions to the Commissioner</td> <td></td> </tr> <tr> <td>1807</td> <td>50</td> <td>1807</td> <td>50</td> <td>Petitions related to provisional applications</td> <td></td> </tr> <tr> <td>1806</td> <td>180</td> <td>1806</td> <td>180</td> <td>Submission of Information Disclosure Stmt</td> <td></td> </tr> <tr> <td>8021</td> <td>40</td> <td>8021</td> <td>40</td> <td>Recording each patent assignment per property (times number of properties)</td> <td>40</td> </tr> <tr> <td>1809</td> <td>770</td> <td>1809</td> <td>385</td> <td>Filing a submission after final rejection (37 CFR 1.129(a))</td> <td></td> </tr> <tr> <td>1810</td> <td>770</td> <td>2810</td> <td>385</td> <td>For each additional invention to be examined (37 CFR 1.129(b))</td> <td></td> </tr> <tr> <td colspan="4">Other fee (specify) _____</td> <td colspan="2"></td> </tr> <tr> <td colspan="2"><b>SUBTOTAL (1)</b></td> <td colspan="2"><b>\$ 770</b></td> <td colspan="2"></td> </tr> <tr> <td colspan="6"><b>2. 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<b>SUBMITTED BY</b>				<b>Complete (if applicable)</b>	
Typed or Printed Name				Reg. Number	
	Brian C. Kunzler				38,527
Signature	Brian C. Kunzler	Date	Nov 3, 2003	Deposit Account User ID	

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PATENT APPLICATION  
Docket No.: END9-2002-0013US1

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I hereby certify that this patent application in the name of David Alan Burton, Noel Simen Otterness, and Alan Lee Stewart for SPECULATIVE DATA MIRRORING APPARATUS METHOD AND SYSTEM, together with the drawings, a Declaration, Power of Attorney, and Petition, an Assignment and Recordation Form Cover Sheet, Information Disclosure Statement, PTO Form 1449, and Copies of Cited References are being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 C.F.R. § 1.10 on the date indicated above in an envelope addressed to MailStop Patent Application, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Respectfully submitted,



Brian C. Kunzler  
Reg. No. 38,527  
Attorney for Applicant

Date: November 3, 2003

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